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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,914	01/25/2002	Kevin Lloyd Grimes	PU020028	3756

7590 08/09/2004

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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/056,914	Applicant(s) GRIMES ET AL.	
	Examiner BRIAN P. YENKE	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>25 Jan 02</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9-10, 16-17, 21 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hicks, US 6,429,894.

In considering claims 1, 5, 9-10, 16-17, 21 and 27

a)-b) the claimed identifying active display elements...is met by CRT aging indicators which may include an unequalized CRT burn time (col 2, line 61 to col 3, line 49)

c) the claimed detecting when the display unit is turned off is met by microcomputer 34 (Fig 2) which monitors when the television is in the off-state (block 50) and whether the television has been placed in the on-state by monitoring a power-on control signal (col 9k, line 52-67).

d) the claimed waiting for a predetermined time period is met where microcomputer 34 calculates the desired age equalizing time when the TV has been placed in the off-state (col 10, line 58 to col 11, line 11).

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e) *the claimed displaying a corrective image on the identified non-active display elements...* is met where microcomputer 34 directs the video pattern generator 32 to generate the internal video signal (Sint) which is used to equalize the burn-in rates of the entire region of the display screen (col 12, line 13-29).

In considering claims 2-4,

Hicks discloses a system which detects an external video signal (Sext), where microcomputer 34 can determine the aspect ratio of the external video signal by comparing for each video field the active video versus total video for a horizontal line and/or a number of lines (col 5, line 61 to col 6, line 13). The determination/detection can also be performed by detecting a signal aspect ratio indicator encoded within the external video signal. Based upon the type of display used (i.e. 4:3 or 16:9 aspect ratio), would determine whether a received signal was a standard external video signal (Sext) (i.e. a received 4:3 signal on 4:3 display) or non-standard external video signal (Sext-ntsd) (i.e. a received 16:9 signal on a 4:3 display). Hicks discloses that based upon the type of display used would determine whether a 4:3 or 16:9 signal would be a standard or a non-standard external signal. Hicks discloses that if a received signal is standard (i.e. aspect-ratio matches that of the display) then an un-even burn-in rate of the CRT will not occur, or non-standard which means that an un-even burn-in rate will occur.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 11-15, 18-20, and 22-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Hicks, US 6,429,894.

In considering claim 6-8, 11-13, 18-20 and 22-24,

Regarding the predetermined time period set by a user. Hicks discloses a system, which includes the receipt of analog/digital broadcast signals, along with other signal sources such as a VCR and DVD player (col 5, line 25-35).

As stated above with respect to claim 1, when the system is turned off, the system computes, the burn-in rates of the display and the amount of time needed to correct for an uneven burn-in rate display.

It is also known that systems can employ user programmable settings, i.e. record, pay-per-view, display certain programs based upon a preselected/predetermined selection, in addition to users viewing habits. Therefore, the examiner takes "OFFICIAL NOTICE" regarding a system which allows a user to program a time (predetermined) which is set by the user or derived from a user's viewing habits, thus giving the user full control/functionality of the viewing system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hicks which discloses a system which allows a user to view multiple sources, where Hicks corrects for displayed sources that create uneven burn-in rates, by providing the user the ability to set when

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programs are viewed/recorded, and also the ability to view/record programs related to the user's viewing habits, in order to provide the user an enhanced/controllable viewing experience.

In considering claims 14-15 and 25-26,

Hicks does not disclose the method/sequence in displaying the corrective image relating to the luminance levels (i.e. 15, 30 and 60).

However, it is notoriously well known in the art that brightness/luminance levels typically are gain actuated where a display will increase from a dark state to a brighter state, where some systems employ manual and/or automatic control of the desired settings.

Thus regardless of the sequencing of the increase, whether in increments of 5 IRE, 10 IRE or doubling as claimed is dependent upon the type of display, preset/user adjustable settings and therefore bears no patentable weight, since the end result (a display with a predetermined luminance level) is the same, and thus derives no unexpected results.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—please refer to newly cited references on attached form PTO-892.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

General information about patents, trademarks, products and services offered by the United States Patent and Trademark Office (USPTO), and other related information is available by contacting the USPTO's General Information Services Division at:

800-PTO-9199 or 703-308-HELP

(FAX) 703-305-7786

(TDD) 703-305-7785

An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.

For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

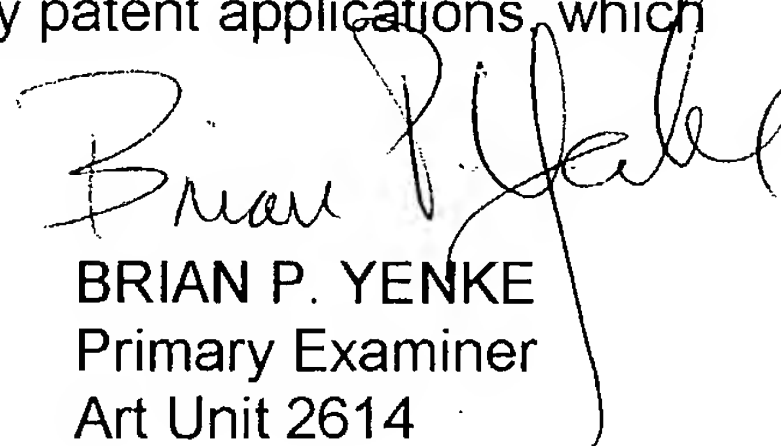
General information brochures can also be obtained in person from the Patent Search Room located in Crystal Plaza 3, Room 1A03, 2021 South Clark Place, Arlington, VA 22202.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information Retrieval (PAIR) and the Electronic Filing System (EFS).

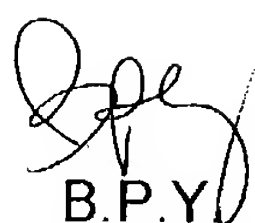
PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet.

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EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.



BRIAN P. YENKE
Primary Examiner
Art Unit 2614



B.P.Y.

03 August 2004